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IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 22, 2005**

Senate Chamber

President Risch called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Burkett, Cameron, Lodge, Marley, McGee, Pearce, Richardson, Schroeder, Stennett, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Alyssa Welch, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journals of the proceedings of February 18, 2005, and February 21, 2005 were read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Richardson, Schroeder, Stennett, and Werk were recorded present at this order of business.

February 22, 2005

The JUDICIARY AND RULES Committee reports that **S 1156**, **S 1157**, and **SCR 112** have been correctly printed.

DARRINGTON, Chairman

S 1156 was referred to the Judiciary and Rules Committee.

S 1157 was referred to the Resources and Environment Committee.

SCR 112 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 21, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1003** was delivered to the Office of the Governor at 2:30 p.m., February 21, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 21, 2005

The JUDICIARY AND RULES Committee reports out **S 1120** and **S 1137** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1120 and **S 1137** were filed for second reading.

February 21, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **SJM 102**, **SJM 103**, and **SJM 104** with the recommendation that they do pass.

SCHROEDER, Chairman

SJM 102, **SJM 103**, and **SJM 104** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 21, 2005

The HEALTH AND WELFARE Committee reports out **SJM 105** with the recommendation that it do pass.

COMPTON, Chairman

SJM 105 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Marley was recorded present at this order of business.

February 21, 2005

Mr. President:

I transmit herewith **H 143**, **H 112**, **H 114**, **H 116**, and **H 121** which have passed the House.

JUKER, Chief Clerk

H 143, H 112, H 114, H 116, and H 121 were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators McGee and Pearce were recorded present at this order of business.

The President announced that **HCR 7** was before the Senate for final consideration.

Moved by Senator Darrington, seconded by Senator Kelly, that **HCR 7** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams.
Total - 31.

NAYS--None.

Absent and excused--Burkett, Cameron, Lodge, Sweet.
Total - 4.

Total - 35.

Whereupon the President declared **HCR 7** adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Gavin Gee retained its place on the calendar.

Senators Burkett, Cameron, and Lodge were recorded present at this order of business.

The President announced that **HJM 1** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stegner, **HJM 1** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HJM 2** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **HJM 2** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced the Resources and Environment Committee report relative to the Gubernatorial appointment of

Steve Klatt was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Stennett, the Gubernatorial appointment of Steve Klatt as a member of the Park and Recreation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1158

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO NATUROPATHIC PHYSICIANS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 51, TITLE 54, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE AND INTENT, TO DEFINE TERMS, TO PROVIDE WHEN A LICENSE IS REQUIRED, TO PROVIDE FOR SCOPE OF PRACTICE, TO PROVIDE FOR PROHIBITIONS, TO PROVIDE FOR EXEMPTIONS, TO PROVIDE FOR DISCLOSURE BY THOSE PROVIDING NATURAL HEALTH CARE SERVICES, TO CREATE A BOARD OF NATUROPATHIC MEDICAL EXAMINERS, TO PROVIDE POWERS AND DUTIES OF THE BOARD, TO ESTABLISH A NATUROPATHIC MEDICAL FORMULARY COUNCIL, TO PROVIDE FEES, TO PROVIDE QUALIFICATION FOR LICENSURE, TO PROVIDE LICENSE STANDARDS FOR OTHER JURISDICTION'S APPLICANTS, TO PROVIDE FOR AN INVESTIGATION, TO PROVIDE FOR A HEARING, TO PROVIDE FOR SUBPOENAS, TO PROVIDE DISCIPLINARY ACTION, TO PROVIDE FOR A LICENSE DENIAL OR REVOCATION PROCEDURE, TO PROVIDE FOR ENFORCEMENT PENALTIES AND TO PROVIDE SEVERABILITY; AND AMENDING SECTIONS 67-2601 AND 67-2602, IDAHO CODE, TO PROVIDE REFERENCE TO THE BOARD OF NATUROPATHIC MEDICAL EXAMINERS.

S 1159

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO PUBLIC TRANSPORTATION POLICY; AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-515, IDAHO CODE, TO ESTABLISH A STATE PUBLIC TRANSPORTATION POLICY AND TO PROVIDE FOR IMPLEMENTATION OF THE POLICY.

S 1160

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO SCHOLARSHIPS AND THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-4302, IDAHO CODE, TO PROVIDE REFERENCE TO IRAQ AND AFGHANISTAN, TO PLACE A LIMIT ON THE LENGTH OF

TIME EDUCATIONAL BENEFITS SHALL BE EXTENDED TO A QUALIFIED DEPENDENT, TO PROVIDE PROPER TERMINOLOGY, TO PROVIDE THAT APPLICATION FOR ELIGIBILITY SHALL BE MADE TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO OR THE STATE BOARD OF VOCATIONAL-TECHNICAL EDUCATION, TO PROVIDE DUTIES OF THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE STATE BOARD OF VOCATIONAL-TECHNICAL EDUCATION FOR VERIFYING AND COMMUNICATING ELIGIBILITY FINDINGS AND TO MAKE A TECHNICAL CORRECTION.

S 1158, S 1159, and S 1160 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 143, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 112, H 114, H 116, and H 121, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1122, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 91, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 24, by State Affairs Committee, was read the second time at length and filed for third reading.

H 39, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 22, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1104 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Williams. Total - 27.

NAYS--Cameron, Compton, Davis, Little, Stegner, Stennett, Werk. Total - 7.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1104** passed, title was approved, and the bill ordered transmitted to the House.

S 1066 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **S 1066** passed, title was approved, and the bill ordered transmitted to the House.

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 4:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Brandt, Bunderson, Burtenshaw, Corder, Hill, Langhorst, Malepeai, McKenzie, Noble, Pearce, Schroeder, Stegner, and Williams, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business.

Third Reading of Bills

Senators Bunderson, Corder, Hill, McKenzie, Schroeder, and Stegner were recorded present at this order of business.

S 1039, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 27.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Langhorst, Malepeai, Noble, Pearce, Sweet, Williams. Total - 8.

Total - 35.

Whereupon the President declared **S 1039**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Compton, granted by unanimous consent, **S 1074**, as amended, retained its place on the Third Reading Calendar for one legislative day.

Senators Langhorst, Malepeai, and Williams were recorded present at this order of business.

S 1076, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Noble, Pearce, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **S 1076**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1063, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Noble, Pearce, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **S 1063**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1062, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Noble, Pearce, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **S 1062**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1071, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bunderson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Brandt, Burtenshaw, Noble, Pearce, Sweet. Total - 5.

Total - 35.

Whereupon the President declared **S 1071**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Senator Pearce was recorded present at this order of business.

S 1057, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Coiner, Compton, Corder, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson. Total - 18.

NAYS--Cameron, Darrington, Davis, Gannon, Little, Lodge, Schroeder, Stegner, Stennett, Werk. Total - 10.

Absent and excused--Brandt, Burkett, Burtenshaw, Hill, Noble, Sweet, Williams. Total - 7.

Total - 35.

Whereupon the President declared **S 1057**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1080 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 27.

NAYS--None.

Absent and excused--Brandt, Burkett, Burtenshaw, Goedde, Hill, Noble, Sweet, Williams. Total - 8.

Total - 35.

Whereupon the President declared **S 1080** passed, title was approved, and the bill ordered transmitted to the House.

S 1081 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 27.

NAYS--None.

Absent and excused--Brandt, Burkett, Burtenshaw, Goedde, Hill, Noble, Sweet, Williams. Total - 8.

Total - 35.

Whereupon the President declared **S 1081** passed, title was approved, and the bill ordered transmitted to the House.

S 1083 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 27.

NAYS--None.

Absent and excused--Brandt, Burkett, Burtenshaw, Goedde, Hill, Noble, Sweet, Williams. Total - 8.

Total - 35.

Whereupon the President declared **S 1083** passed, title was approved, and the bill ordered transmitted to the House.

S 1141 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 27.

NAYS--None.

Absent and excused--Brandt, Burkett, Burtenshaw, Goedde, Hill, Noble, Sweet, Williams. Total - 8.

Total - 35.

Whereupon the President declared **S 1141** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

February 22, 2005

The HEALTH AND WELFARE Committee reports out **S 1154** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

COMPTON, Chairman

There being no objection, **S 1154** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:40 p.m. until the hour of 10:45 a.m., Wednesday, February 23, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary